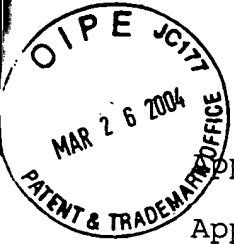


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PATENT
2801-0165P



IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Russell M. Hagen et al. Conf.: 4024
Appl. No.: 09/985,679 Group: 1617
Filed: November 5, 2001 Examiner: R. TRAVERS
For: NOVEL MEDICAL USE FOR TACHYKININ
ANTAGONISTS

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE
OR CONCURRENTLY WITH A RULE 1.114 RCE APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 26, 2004

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

II. COPIES (check at least one box)

- a. ☒ This application was filed before June 30, 2003. Accordingly, submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. ☐ This application was filed on or after June 30, 2003. Accordingly, copies of cited U.S. patents and patent application publications therefore are not included. Copies of foreign patent documents and non-patent literature are included.

- c. ☐ Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

- a. ☐ **DOCUMENTS IN THE ENGLISH LANGUAGE**

The patents, publications, or other information listed on the attached PTO 1449 are in the English language and therefore, do not require a statement of relevancy.

- b. ☒ **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

A partial English translation is attached to 1986, Current Medication Manual, Revised Edition, Nihon Rinsho, Vol. 44, Occasional Pub. pp. 482-483, 676.

A partial English translation is attached to Handbook of Medicaments, 4th Ed., Yakugyo-Jihoh K.K., pp. 1504-1505.

A partial English translation of Pharmacology, Hirokawa Pub. Co., p. 21 is attached.

A partial English translation of Takagi & Ozawa, Pharmacology (Pocket Edition), Nanzando Co., Ltd., p. 18 is attached.

- c. ☐ **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

- d. ☐ **OTHER**

The following additional information is provided
for the Examiner's consideration.

FEEs

IV. ☐ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):
(check one box)

- a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. *(This section is not to be used with RCE's.)*
- b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- c. ☐ concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- d. ☐ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.
In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. ☒ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

- a. ☒ No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
or
- b. ☐ See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. ☐ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

- ☒ A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- ☐ Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. A triplicate copy of this paper is attached.
- ☐ No fee is required.

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If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *Gerald M. Murphy, Jr.* #36,623
Gerald M. Murphy, Jr., #28,977

W
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Attachment(s): ☒ PTO-1449
☒ Documents
☐ Foreign Search Report
☒ Fee
☐ Other:

(Rev. 02/12/2004)

Form PTO-1449				ATTY DOCKET NO. 2801-0165P		APPLICATION NO. 09/985,679	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)				APPLICANT Russell M. Hagen et al.			
				FILING DATE November 5, 2001		GROUP 1617	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
US							
FOREIGN PATENT DOCUMENTS							
Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
✓	499 313	A1	08-19-1992	EPO			
	63-196583		08-31-1988	JP			
	93/00330	A2	01-07-1993	WO			
OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.							
✓ Current Medication Manual, Rev. Ed. Nihon Rinsho, Occasional Pub., pp. 482-483, 676 (1986).							
✓ Handbook of Medicaments, 4th Ed, Yakugyo-Jihoh K. K., pp. 1504-1505 (1989).							
✓ Martindale, 29th Ed. pp. 722-725 (1989).							
✓ Tsavaris et al., Journal of Pain and Symptom Management, 6(8), pp. 461-465 (1991).							
✓ Pharmacology, Hirokawa Pub. Co., p. 21. (February 25, 1992).							
✓ Stedman's Medical Dictionary, 3rd Ed., Medical View Co Ltd, p. 112 (May 10, 1992).							
✓ Camu et al., European Journal of Anaesthesiology, 9 (Suppl. 6), pp. 25-31 (1992).							
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W.A. Marasco et al., Biochemical and Biophysical Research Communications, 99(4), pp. 1065-1072 (April 30, 1981).							
D. Regoli et al., Tachykinin Antagonists, (Hakanson & Sundler Eds) Elsevier Sci. Pub., Amsterdam, p. 277-287 (1985).							
Tatersall et al., European Journal of Pharmacology, 250:R5-R6 (1993).							
Takagi & Ozawa, Pharmacognosy (Pocket Ed), Nanzando Co., Ltd. p. 18 (1987).							
✓ Ward et al., J. Med. Chem., 38, pp. 4985-4992 (1995).							
Michael Wu et al., Peptides, 6, Suppl. 1, pp. 173-175 (1985).							
Wynn et al., European Journal of Pharmacology, 241, pp. 47-54 (1993).							
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

GMM/KJR/LPS/jao